

AMENDED IN ASSEMBLY APRIL 7, 2003
AMENDED IN ASSEMBLY MARCH 26, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 488

Introduced by Assembly Member Parra

February 14, 2003

An act to amend Section 290 of, and to amend, repeal, and add Section 290.4 of, the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 488, as amended, Parra. Sex offenders: access to registration information.

Existing law requires adult offenders who have been convicted of any of a specified group of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register. Existing law also requires juvenile offenders as to whom a petition has been sustained for the commission of any of a different set of sexual offenses to register with local law enforcement agencies and makes it a felony to willfully fail to register.

This bill would expand both the list of sexual charges for which adults are required to register and the analogous list for juveniles to include any statutory predecessor of a charge on the applicable list that includes all elements of that charge.

Existing law generally limits the release of statements, photographs, and fingerprints required by the sex offender registration law except as specified. However, existing law authorizes a law enforcement agency, when a peace officer reasonably suspects that a child or other person

may be at risk from a sex offender convicted of any of a group of specified offenses that require registration, to provide certain information about the offender that the agency deems relevant and necessary to protect the public, to specified persons, agencies, or organizations the offender is likely to encounter. This information includes such things as descriptions of the offender, vehicle information, the offender's address, and the offender's enrollment, employment, and vocational status with an institution of higher learning.

This bill would specify that the general limitation on release of material related to sex registrants, in addition to covering statements, photographs, and fingerprints, extends to limit the release of information required of those registrants. The bill would expand the information that may be provided by a law enforcement agency to those specified persons, agencies, or organizations the offender is likely to encounter to include the date of a registrant's last registration or reregistration, whether the registrant is in compliance with the registration requirements, and the registrant's volunteer status with an institution of higher education. This bill would also expand the types of law enforcement agencies authorized to disseminate information under these provisions, ~~and under other existing provisions authorizing the dissemination of more specific information concerning high-risk sex offenders, as specified,~~ to include every state or local agency expressly authorized by statute to investigate or prosecute law violators.

Other provisions in existing law provide for the dissemination by law enforcement entities of still more detailed information to the public concerning a narrower group of high-risk sex offenders, as specified.

This bill would repeal those provisions, and make conforming changes.

Until January 1, 2004, existing law requires the Department of Justice to continually compile specified information categorized by community of residence and ZIP Code regarding any person required to register as a sex offender for a conviction for the commission or attempted commission of any specified sex offense. Existing law requires the Department of Justice to operate a "900" telephone number for people to inquire whether a named individual is among those specified registrants. Existing law also requires the department to provide a CD-ROM or other electronic medium containing a specified portion of the compiled sex offender information to certain law enforcement agencies. These law enforcement agencies are required to



make the CD-ROM or other electronic medium available for public viewing, as specified. Existing law makes unauthorized use of the CD-ROM or “900” telephone number information a misdemeanor, and requires reports be made by the department concerning the CD-ROM and “900” telephone number programs.

This bill would extend the expiration of these provisions to July 1, 2005, and would make operative on that date similar provisions that would do all of the following: (1) expand the classes of information compiled by the department about this same group of registrants; (2) eliminate the “900” telephone number and CD-ROM programs and instead require the department, upon funding and implementation of a specified database, to put specified information about listed offenders on the Internet. This information would include all the current CD-ROM information, as well as the dates of commission of the crimes for which a listed person must register, the date of each listed person’s last registration or reregistration, and whether a listed person is in compliance with the basic registration requirements; (3) *specify that the Web site shall provide a map of the state subdivided as specified, and shall permit the search of each subdivision for the information on this group of registrants, as provided*; (4) *require that the Web site include online instructions on its use, as specified*; (5) require each visitor to the Web site to give a name and to state he or she is not required to register, and seeks the information for specified proper purposes, similar to what is required in existing law for CD-ROM viewers; ~~(4)~~ (6) make it a misdemeanor for a sex offender who is required to register to enter the Web site; ~~(5)~~ (7) eliminate the existing requirements of annual and other reports by the department concerning the “900” telephone number and CD-ROM programs, and instead require an annual report on the Internet program with specified content; and ~~(6)~~ (8) make conforming changes. *These new provisions would become inoperative on July 1, 2008, and would be repealed on January 1, 2009.*

Existing law requires agencies disseminating information from the CD-ROM or other electronic media to maintain a list of those who have viewed the information for at least 5 years.

This bill would end that requirement effective July 1, 2010, 5 years after the CD-ROM program is to be repealed under the provisions of this bill.

The bill would impose a state-mandated local program by expanding the duties of local law enforcement agencies and by expanding the scope of existing crimes.



The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code is amended to
2 read:

3 290. (a) (1) (A) Every person described in paragraph (2),
4 for the rest of his or her life while residing in, or, if he or she has
5 no residence, while located within California, or while attending
6 school or working in California, as described in subparagraph (G),
7 shall be required to register with the chief of police of the city in
8 which he or she is residing, or if he or she has no residence, is
9 located, or the sheriff of the county if he or she is residing, or if he
10 or she has no residence, is located, in an unincorporated area or city
11 that has no police department, and, additionally, with the chief of
12 police of a campus of the University of California, the California
13 State University, or community college if he or she is residing, or
14 if he or she has no residence, is located upon the campus or in any
15 of its facilities, within five working days of coming into, or
16 changing his or her residence or location within, any city, county,
17 or city and county, or campus in which he or she temporarily
18 resides, or, if he or she has no residence, is located.

19 (B) If the person who is registering has more than one residence
20 address or location at which he or she regularly resides or is
21 located, he or she shall register in accordance with subparagraph
22 (A) in each of the jurisdictions in which he or she regularly resides



1 or is located. If all of the addresses or locations are within the same
2 jurisdiction, the person shall provide the registering authority with
3 all of the addresses or locations where he or she regularly resides
4 or is located.

5 (C) If the person who is registering has no residence address,
6 he or she shall update his or her registration no less than once every
7 60 days in addition to the requirement in subparagraph (A), on a
8 form as may be required by the Department of Justice, with the
9 entity or entities described in subparagraph (A) in whose
10 jurisdiction he or she is located at the time he or she is updating the
11 registration.

12 (D) Beginning on his or her first birthday following
13 registration or change of address, the person shall be required to
14 register annually, within five working days of his or her birthday,
15 to update his or her registration with the entities described in
16 subparagraph (A). At the annual update, the person shall provide
17 current information as required on the Department of Justice
18 annual update form, including the information described in
19 subparagraphs (A) to (C), inclusive, of paragraph (2) of
20 subdivision (e).

21 (E) In addition, every person who has ever been adjudicated a
22 sexually violent predator, as defined in Section 6600 of the
23 Welfare and Institutions Code, shall, after his or her release from
24 custody, verify his or her address no less than once every 90 days
25 and place of employment, including the name and address of the
26 employer, in a manner established by the Department of Justice.

27 (F) No entity shall require a person to pay a fee to register or
28 update his or her registration pursuant to this section. The
29 registering agency shall submit registrations, including annual
30 updates or changes of address, directly into the Department of
31 Justice Violent Crime Information Network (VCIN).

32 (G) Persons required to register in their state of residence who
33 are out-of-state residents employed, or carrying on a vocation in
34 California on a full-time or part-time basis, with or without
35 compensation, for more than 14 days, or for an aggregate period
36 exceeding 30 days in a calendar year, shall register in accordance
37 with subparagraph (A). Persons described in paragraph (2) who
38 are out-of-state residents enrolled in any educational institution in
39 California, as defined in Section 22129 of the Education Code, on
40 a full-time or part-time basis, shall register in accordance with

1 subparagraph (A). The place where the out-of-state resident is
2 located, for purposes of registration, shall be the place where the
3 person is employed, carrying on a vocation, or attending school.
4 The out-of-state resident subject to this subparagraph shall, in
5 addition to the information required pursuant to subdivision (e),
6 provide the registering authority with the name of his or her place
7 of employment or the name of the school attended in California,
8 and his or her address or location in his or her state of residence.
9 The registration requirement for persons subject to this
10 subparagraph shall become operative on November 25, 2000. The
11 terms “employed or carries on a vocation” include employment
12 whether or not financially compensated, volunteered, or
13 performed for government or educational benefit.

14 (2) The following persons shall be required to register pursuant
15 to paragraph (1):

16 (A) Any person who, since July 1, 1944, has been or is hereafter
17 convicted in any court in this state or in any federal or military
18 court of a violation of Section 207 or 209 committed with intent
19 to violate Section 261, 286, 288, 288a, or 289, Section 220, except
20 assault to commit mayhem, Section 243.4, paragraph (1), (2), (3),
21 (4), or (6) of subdivision (a) of Section 261, or paragraph (1) of
22 subdivision (a) of Section 262 involving the use of force or
23 violence for which the person is sentenced to the state prison,
24 Section 264.1, 266, 266c, subdivision (b) of Section 266h,
25 subdivision (b) of Section 266i, 266j, 267, 269, 285, 286, 288,
26 288a, 288.5, or 289, subdivision (b), (c), or (d) of Section 311.2,
27 Section 311.3, 311.4, 311.10, 311.11, or 647.6, former Section
28 647a, subdivision (c) of Section 653f, subdivision 1 or 2 of Section
29 314, any offense involving lewd or lascivious conduct under
30 Section 272, or any felony violation of Section 288.2; or any
31 statutory predecessor that includes all elements of one of the
32 above-mentioned offenses; or any person who since that date has
33 been or is hereafter convicted of the attempt to commit any of the
34 above-mentioned offenses.

35 (B) Any person who, since July 1, 1944, has been or hereafter
36 is released, discharged, or paroled from a penal institution where
37 he or she was confined because of the commission or attempted
38 commission of one of the offenses described in subparagraph (A).

39 (C) Any person who, since July 1, 1944, has been or hereafter
40 is determined to be a mentally disordered sex offender under

Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code or any person who has been found guilty in the guilt phase of a trial for an offense for which registration is required by this section but who has been found not guilty by reason of insanity in the sanity phase of the trial.

(D) Any person who, since July 1, 1944, has been, or is hereafter convicted in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would have been punishable as one or more of the offenses described in subparagraph (A) or any person ordered by any other court, including any state, federal, or military court, to register as a sex offender for any offense, if the court found at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification.

(E) Any person ordered by any court to register pursuant to this section for any offense not included specifically in this section if the court finds at the time of conviction or sentencing that the person committed the offense as a result of sexual compulsion or for purposes of sexual gratification. The court shall state on the record the reasons for its findings and the reasons for requiring registration.

(F) (i) Notwithstanding any other subdivision, a person who was convicted before January 1, 1976, under subdivision (a) of Section 286, or Section 288a, shall not be required to register pursuant to this section for that conviction if the conviction was for conduct between consenting adults that was decriminalized by Chapter 71 of the Statutes of 1975 or Chapter 1139 of the Statutes of 1976. The Department of Justice shall remove that person from the Sex Offender Registry, and the person is discharged from his or her duty to register pursuant to the following procedure:

(I) The person submits to the Department of Justice official documentary evidence, including court records or police reports, that demonstrate that the person's conviction pursuant to either of those sections was for conduct between consenting adults that was decriminalized; or

(II) The person submits to the department a declaration stating that the person's conviction pursuant to either of those sections was for consensual conduct between adults that has been

1 decriminalized. The declaration shall be confidential and not a
2 public record, and shall include the person's name, address,
3 telephone number, date of birth, and a summary of the
4 circumstances leading to the conviction, including the date of the
5 conviction and county of the occurrence.

6 (III) The department shall determine whether the person's
7 conviction was for conduct between consensual adults that has
8 been decriminalized. If the conviction was for consensual conduct
9 between adults that has been decriminalized, and the person has no
10 other offenses for which he or she is required to register pursuant
11 to this section, the department shall, within 60 days of receipt of
12 those documents, notify the person that he or she is relieved of the
13 duty to register, and shall notify the local law enforcement agency
14 with which the person is registered that he or she has been relieved
15 of the duty to register. The local law enforcement agency shall
16 remove the person's registration from its files within 30 days of
17 receipt of notification. If the documentary or other evidence
18 submitted is insufficient to establish the person's claim, the
19 department shall, within 60 days of receipt of those documents,
20 notify the person that his or her claim cannot be established, and
21 that the person shall continue to register pursuant to this section.
22 The department shall provide, upon the person's request, any
23 information relied upon by the department in making its
24 determination that the person shall continue to register pursuant to
25 this section. Any person whose claim has been denied by the
26 department pursuant to this clause may petition the court to appeal
27 the department's denial of the person's claim.

28 (ii) On or before July 1, 1998, the department shall make a
29 report to the Legislature concerning the status of persons who may
30 come under the provisions of this subparagraph, including the
31 number of persons who were convicted before January 1, 1976,
32 under subdivision (a) of Section 286 or Section 288a and are
33 required to register under this section, the average age of these
34 persons, the number of these persons who have any subsequent
35 convictions for a registerable sex offense, and the number of these
36 persons who have sought successfully or unsuccessfully to be
37 relieved of their duty to register under this section.

38 (b) (1) Any person who is released, discharged, or paroled
39 from a jail, state or federal prison, school, road camp, or other
40 institution where he or she was confined because of the

1 commission or attempted commission of one of the offenses
2 specified in subdivision (a) or is released from a state hospital to
3 which he or she was committed as a mentally disordered sex
4 offender under Article 1 (commencing with Section 6300) of
5 Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions
6 Code, shall, prior to discharge, parole, or release, be informed of
7 his or her duty to register under this section by the official in charge
8 of the place of confinement or hospital, and the official shall
9 require the person to read and sign any form that may be required
10 by the Department of Justice, stating that the duty of the person to
11 register under this section has been explained to the person. The
12 official in charge of the place of confinement or hospital shall
13 obtain the address where the person expects to reside upon his or
14 her discharge, parole, or release and shall report the address to the
15 Department of Justice. The official shall at the same time forward
16 a current photograph of the person to the Department of Justice.

17 (2) The official in charge of the place of confinement or
18 hospital shall give one copy of the form to the person and shall send
19 one copy to the Department of Justice and one copy to the
20 appropriate law enforcement agency or agencies having
21 jurisdiction over the place the person expects to reside upon
22 discharge, parole, or release. If the conviction that makes the
23 person subject to this section is a felony conviction, the official in
24 charge shall, not later than 45 days prior to the scheduled release
25 of the person, send one copy to the appropriate law enforcement
26 agency or agencies having local jurisdiction where the person
27 expects to reside upon discharge, parole, or release; one copy to the
28 prosecuting agency that prosecuted the person; and one copy to the
29 Department of Justice. The official in charge of the place of
30 confinement or hospital shall retain one copy.

31 (c) (1) Any person who is convicted in this state of the
32 commission or attempted commission of any of the offenses
33 specified in subdivision (a) and who is released on probation, shall,
34 prior to release or discharge, be informed of the duty to register
35 under this section by the probation department, and a probation
36 officer shall require the person to read and sign any form that may
37 be required by the Department of Justice, stating that the duty of
38 the person to register under this section has been explained to him
39 or her. The probation officer shall obtain the address where the
40 person expects to reside upon release or discharge and shall report

1 within three days the address to the Department of Justice. The
2 probation officer shall give one copy of the form to the person,
3 send one copy to the Department of Justice, and forward one copy
4 to the appropriate law enforcement agency or agencies having
5 local jurisdiction where the person expects to reside upon his or her
6 discharge, parole, or release.

7 (2) Any person who is convicted in this state of the commission
8 or attempted commission of any of the offenses specified in
9 subdivision (a) and who is granted conditional release without
10 supervised probation, or discharged upon payment of a fine, shall,
11 prior to release or discharge, be informed of the duty to register
12 under this section in open court by the court in which the person
13 has been convicted, and the court shall require the person to read
14 and sign any form that may be required by the Department of
15 Justice, stating that the duty of the person to register under this
16 section has been explained to him or her. If the court finds that it
17 is in the interest of the efficiency of the court, the court may assign
18 the bailiff to require the person to read and sign forms under this
19 section. The court shall obtain the address where the person
20 expects to reside upon release or discharge and shall report within
21 three days the address to the Department of Justice. The court shall
22 give one copy of the form to the person, send one copy to the
23 Department of Justice, and forward one copy to the appropriate
24 law enforcement agency or agencies having local jurisdiction
25 where the person expects to reside upon his or her discharge,
26 parole, or release.

27 (d) (1) Any person who, on or after January 1, 1986, is
28 discharged or paroled from the Department of the Youth Authority
29 to the custody of which he or she was committed after having been
30 adjudicated a ward of the juvenile court pursuant to Section 602
31 of the Welfare and Institutions Code because of the commission or
32 attempted commission of any offense described in paragraph (3)
33 shall be subject to registration under the procedures of this section.

34 (2) Any person who is discharged or paroled from a facility in
35 another state that is equivalent to the Department of the Youth
36 Authority, to the custody of which he or she was committed
37 because of an offense which, if committed or attempted in this
38 state, would have been punishable as one or more of the offenses
39 described in paragraph (3), shall be subject to registration under
40 the procedures of this section.

(3) Any person described in this subdivision who committed an offense in violation of any of the following provisions shall be required to register pursuant to this section:

(A) Assault with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 under Section 220.

(B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, Section 264.1, 266c, or 267, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of Section 289, or Section 647.6.

(C) A violation of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289.

(D) A violation of any statutory predecessor that includes all of the elements of one of the offenses listed in this paragraph.

(4) Prior to discharge or parole from the Department of the Youth Authority, any person who is subject to registration under this subdivision shall be informed of the duty to register under the procedures set forth in this section. Department of the Youth Authority officials shall transmit the required forms and information to the Department of Justice.

(5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained by the Department of Justice, law enforcement agencies, the juvenile court, or other agencies and public officials unless ordered by a court under Section 781 of the Welfare and Institutions Code.

(e) (1) On or after January 1, 1998, upon incarceration, placement, or commitment, or prior to release on probation, any person who is required to register under this section shall preregister. The preregistering official shall be the admitting officer at the place of incarceration, placement, or commitment, or the probation officer if the person is to be released on probation. The preregistration shall consist of both of the following:

1 (A) A preregistration statement in writing, signed by the
2 person, giving information that shall be required by the
3 Department of Justice.

4 (B) The fingerprints and a current photograph of the person.

5 (C) Any person who is preregistered pursuant to this
6 subdivision is required to be preregistered only once.

7 (2) A person described in paragraph (2) of subdivision (a) shall
8 register, or reregister if the person has previously registered, upon
9 release from incarceration, placement, or commitment, pursuant
10 to paragraph (1) of subdivision (a). The registration shall consist
11 of all of the following:

12 (A) A statement in writing signed by the person, giving
13 information as shall be required by the Department of Justice and
14 giving the name and address of the person's employer, and the
15 address of the person's place of employment if that is different
16 from the employer's main address.

17 (B) The fingerprints and a current photograph of the person
18 taken by the registering official.

19 (C) The license plate number of any vehicle owned by,
20 regularly driven by, or registered in the name of the person.

21 (D) Notice to the person that, in addition to the requirements of
22 paragraph (4), he or she may have a duty to register in any other
23 state where he or she may relocate.

24 (E) Copies of adequate proof of residence, which shall be
25 limited to a California driver's license, California identification
26 card, recent rent or utility receipt, printed personalized checks or
27 other recent banking documents showing that person's name and
28 address, or any other information that the registering official
29 believes is reliable. If the person has no residence and no
30 reasonable expectation of obtaining a residence in the foreseeable
31 future, the person shall so advise the registering official and shall
32 sign a statement provided by the registering official stating that
33 fact. Upon presentation of proof of residence to the registering
34 official or a signed statement that the person has no residence, the
35 person shall be allowed to register. If the person claims that he or
36 she has a residence but does not have any proof of residence, he or
37 she shall be allowed to register but shall furnish proof of residence
38 within 30 days of the day he or she is allowed to register.

39 (3) Within three days thereafter, the preregistering official or
40 the registering law enforcement agency or agencies shall forward

1 the statement, fingerprints, photograph, and vehicle license plate
2 number, if any, to the Department of Justice.

3 (f) (1) If any person who is required to register pursuant to this
4 section changes his or her residence address or location, whether
5 within the jurisdiction in which he or she is currently registered or
6 to a new jurisdiction inside or outside the state, the person shall
7 inform, in writing within five working days, the law enforcement
8 agency or agencies with which he or she last registered of the new
9 address or location. The law enforcement agency or agencies shall,
10 within three days after receipt of this information, forward a copy
11 of the change of address or location information to the Department
12 of Justice. The Department of Justice shall forward appropriate
13 registration data to the law enforcement agency or agencies having
14 local jurisdiction of the new place of residence or location.

15 (2) If the person's new address is in a Department of the Youth
16 Authority facility or a state prison or state mental institution, an
17 official of the place of incarceration, placement, or commitment
18 shall, within 90 days of receipt of the person, forward the
19 registrant's change of address information to the Department of
20 Justice. The agency need not provide a physical address for the
21 registrant but shall indicate that he or she is serving a period of
22 incarceration or commitment in a facility under the agency's
23 jurisdiction. This paragraph shall apply to persons received in a
24 Department of the Youth Authority facility or a state prison or state
25 mental institution on or after January 1, 1999. The Department of
26 Justice shall forward the change of address information to the
27 agency with which the person last registered.

28 (3) If any person who is required to register pursuant to this
29 section changes his or her name, the person shall inform, in person,
30 the law enforcement agency or agencies with which he or she is
31 currently registered within five working days. The law
32 enforcement agency or agencies shall forward a copy of this
33 information to the Department of Justice within three days of its
34 receipt.

35 (g) (1) Any person who is required to register under this
36 section based on a misdemeanor conviction or juvenile
37 adjudication who willfully violates any requirement of this section
38 is guilty of a misdemeanor punishable by imprisonment in a
39 county jail not exceeding one year.

(2) Except as provided in paragraphs (5) and (7), any person who is required to register under this section based on a felony conviction or juvenile adjudication who willfully violates any requirement of this section or who has a prior conviction or juvenile adjudication for the offense of failing to register under this section and who subsequently and willfully violates any requirement of this section is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.

If probation is granted or if the imposition or execution of sentence is suspended, it shall be a condition of the probation or suspension that the person serve at least 90 days in a county jail. The penalty described in this paragraph shall apply whether or not the person has been released on parole or has been discharged from parole.

(3) Any person determined to be a mentally disordered sex offender or who has been found guilty in the guilt phase of trial for an offense for which registration is required under this section, but who has been found not guilty by reason of insanity in the sanity phase of the trial, or who has had a petition sustained in a juvenile adjudication for an offense for which registration is required under this section pursuant to subdivision (d), but who has been found not guilty by reason of insanity, who willfully violates any requirement of this section is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding one year. For any second or subsequent willful violation of any requirement of this section, the person is guilty of a felony and shall be punished by imprisonment in the state prison for 16 months, or two or three years.

(4) If, after discharge from parole, the person is convicted of a felony or suffers a juvenile adjudication as specified in this subdivision, he or she shall be required to complete parole of at least one year, in addition to any other punishment imposed under this subdivision. A person convicted of a felony as specified in this subdivision may be granted probation only in the unusual case where the interests of justice would best be served. When probation is granted under this paragraph, the court shall specify on the record and shall enter into the minutes the circumstances indicating that the interests of justice would best be served by the disposition.

(5) Any person who has ever been adjudicated a sexually violent predator, as defined in Section 6600 of the Welfare and Institutions Code, and who fails to verify his or her registration every 90 days as required pursuant to subparagraph (E) of paragraph (1) of subdivision (a), shall be punished by imprisonment in the state prison, or in a county jail not exceeding one year.

(6) Except as otherwise provided in paragraph (5), and in addition to any other penalty imposed under this subdivision, any person who is required pursuant to subparagraph (C) of paragraph (1) of subdivision (a) to update his or her registration every 60 days and willfully fails to update his or her registration is guilty of a misdemeanor and shall be punished by imprisonment in a county jail not exceeding six months. Any subsequent violation of this requirement that persons described in subparagraph (C) of paragraph (1) of subdivision (a) shall update their registration every 60 days is also a misdemeanor and shall be punished by imprisonment in a county jail not exceeding six months.

(7) Any person who fails to provide proof of residence as required by subparagraph (E) of paragraph (2) of subdivision (e), regardless of the offense upon which the duty to register is based, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months.

(8) Any person who is required to register under this section who willfully violates any requirement of this section is guilty of a continuing offense.

(h) Whenever any person is released on parole or probation and is required to register under this section but fails to do so within the time prescribed, the parole authority, the Youthful Offender Parole Board, or the court, as the case may be, shall order the parole or probation of the person revoked. For purposes of this subdivision, "parole authority" has the same meaning as described in Section 3000.

(i) Except as provided in ~~subdivisions (m) and (n)~~ *subdivision (m)* and Section 290.4, the statements, photographs, fingerprints, and information required by this section shall not be open to inspection by the public or by any person other than a regularly employed peace officer or other law enforcement officer.

(j) In any case in which a person who would be required to register pursuant to this section for a felony conviction is to be

1 temporarily sent outside the institution where he or she is confined
2 on any assignment within a city or county including firefighting,
3 disaster control, or of whatever nature the assignment may be, the
4 local law enforcement agency having jurisdiction over the place
5 or places where the assignment shall occur shall be notified within
6 a reasonable time prior to removal from the institution. This
7 subdivision shall not apply to any person who is temporarily
8 released under guard from the institution where he or she is
9 confined.

10 (k) As used in this section, “mentally disordered sex offender”
11 includes any person who has been determined to be a sexual
12 psychopath or a mentally disordered sex offender under any
13 provision which, on or before January 1, 1976, was contained in
14 Division 6 (commencing with Section 6000) of the Welfare and
15 Institutions Code.

16 (l) (1) Every person who, prior to January 1, 1997, is required
17 to register under this section, shall be notified whenever he or she
18 next reregisters of the reduction of the registration period from 14
19 to five working days. This notice shall be provided in writing by
20 the registering agency or agencies. Failure to receive this
21 notification shall be a defense against the penalties prescribed by
22 subdivision (g) if the person did register within 14 days.

23 (2) Every person who, as a sexually violent predator, as defined
24 in Section 6600 of the Welfare and Institutions Code, is required
25 to verify his or her registration every 90 days, shall be notified
26 wherever he or she next registers of his or her increased
27 registration obligations. This notice shall be provided in writing by
28 the registering agency or agencies. Failure to receive this notice
29 shall be a defense against the penalties prescribed by paragraph (5)
30 of subdivision (g).

31 (m) (1) When a peace officer reasonably suspects, based on
32 information that has come to his or her attention through
33 information provided by any peace officer or member of the
34 public, that a child or other person may be at risk from a sex
35 offender convicted of a crime listed in paragraph (1) of subdivision
36 (a) of Section 290.4, a designated law enforcement entity, ~~as~~
37 ~~defined in subdivision (n) of this section,~~ may, notwithstanding
38 any other provision of law, provide any of the information
39 specified in paragraph (4) of this subdivision about that registered
40 sex offender that the entity deems relevant and necessary to protect



1 the public, to the following persons, agencies, or organizations the
2 offender is likely to encounter, including, but not limited to, the
3 following:

4 (A) Public and private educational institutions, day care
5 establishments, and establishments and organizations that
6 primarily serve individuals likely to be victimized by the offender.

7 (B) Other community members at risk.

8 (2) The designated law enforcement entity may authorize
9 persons and organizations receiving information pursuant to
10 paragraph (1) to disclose information to additional persons only if
11 the entity determines that all conditions set forth in paragraph (1)
12 have been satisfied regarding disclosure to the additional persons
13 or organizations, and identifies the appropriate scope of further
14 disclosure.

15 (3) Persons notified pursuant to paragraph (1) may disclose the
16 information provided by the designated law enforcement entity in
17 the manner and to the extent authorized by the designated law
18 enforcement entity.

19 (4) The information that may be disclosed pursuant to this
20 section includes the following:

21 (A) The offender's full name.

22 (B) The offender's known aliases.

23 (C) The offender's gender.

24 (D) The offender's race.

25 (E) The offender's physical description.

26 (F) The offender's photograph.

27 (G) The offender's date of birth.

28 (H) Crimes resulting in registration under this section.

29 (I) The offender's address, which must be verified prior to
30 publication.

31 (J) Description and license plate number of offender's vehicles
32 or vehicles the offender is known to drive.

33 (K) Type of victim targeted by the offender.

34 (L) Relevant parole or probation conditions, such as one
35 prohibiting contact with children.

36 (M) Dates of crimes resulting in classification under this
37 section.

38 (N) Date of release from confinement.

(O) The offender's enrollment, employment, volunteer, or vocational status with any university, college, community college, or other institution of higher learning.

(P) The date of last registration or reregistration.

(Q) Whether the person is in violation of the requirements of this section.

However, information disclosed pursuant to this subdivision shall not include information that would identify the victim.

(5) If a law enforcement agency discloses information pursuant to this subdivision, it shall include, with the disclosure, a statement that the purpose of the release of the information is to allow members of the public to protect themselves and their children from sex offenders.

(6) For purposes of this section, "likely to encounter" means both of the following:

(A) That the agencies, organizations, or other community members are in a location or in close proximity to a location where the offender lives or is employed, or that the offender visits or is likely to visit on a regular basis.

(B) The types of interaction that ordinarily occur at that location and other circumstances indicate that contact with the offender is reasonably probable.

(7) For purposes of this section, "reasonably suspects" means that it is objectively reasonable for a peace officer to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect that a child or other person is at risk.

(8) For purposes of this section, "at risk" means a person is or may be exposed to a risk of becoming a victim of a sex offense committed by the offender.

(9) A designated law enforcement entity may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.

~~(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.~~

~~(1) For purposes of this subdivision:~~

1 ~~(A) A high-risk sex offender is a person who has been~~
2 ~~convicted of an offense specified in paragraph (1) of subdivision~~
3 ~~(a) of Section 290.4, and also meets one of the following criteria:~~

4 ~~(i) Has been convicted of three or more violent sex offenses, at~~
5 ~~least two of which were brought and tried separately.~~

6 ~~(ii) Has been convicted of two violent sex offenses and one or~~
7 ~~more violent nonsex offenses, at least two of which were brought~~
8 ~~and tried separately.~~

9 ~~(iii) Has been convicted of one violent sex offense and two or~~
10 ~~more violent nonsex offenses, at least two of which were brought~~
11 ~~and tried separately.~~

12 ~~(iv) Has been convicted of either two violent sex offenses or~~
13 ~~one violent sex offense and one violent nonsex offense, at least two~~
14 ~~of which were brought and tried separately, and has been arrested~~
15 ~~on separate occasions for three or more violent sex offenses,~~
16 ~~violent nonsex offenses, or associated offenses.~~

17 ~~(v) Has been adjudicated a sexually violent predator pursuant~~
18 ~~to Article 4 (commencing with Section 6600) of Chapter 2 of Part~~
19 ~~2 of Division 6 of the Welfare and Institutions Code.~~

20 ~~(B) A violent sex offense means any offense defined in Section~~
21 ~~220, except attempt to commit mayhem, or Section 261, 264.1,~~
22 ~~286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily~~
23 ~~injury during the commission of a sex offense, as provided in~~
24 ~~Section 12022.8.~~

25 ~~(C) A violent nonsex offense means any offense defined in~~
26 ~~Section 187, subdivision (a) of Section 192, or Section 203, 206,~~
27 ~~207, or 236, provided that the offense is a felony, subdivision (a)~~
28 ~~of Section 273a, Section 273d or 451, or attempted murder, as~~
29 ~~defined in Sections 187 and 664.~~

30 ~~(D) An associated offense means any offense defined in~~
31 ~~Section 243.4, provided that the offense is a felony, Section 311.1,~~
32 ~~311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314, Section 459,~~
33 ~~provided the offense is of the first degree, Section 597 or 646.9,~~
34 ~~subdivision (d), (h), or (i) of Section 647, Section 653m, or~~
35 ~~infliction of great bodily injury during the commission of a felony,~~
36 ~~as defined in Section 12022.7.~~

37 ~~(E) For purposes of subparagraphs (B) to (D), inclusive, an~~
38 ~~arrest or conviction for the statutory predecessor of any of the~~
39 ~~enumerated offenses, or an arrest or conviction in any other~~
40 ~~jurisdiction for any offense that, if committed or attempted in this~~

~~state, would have been punishable as one or more of the offenses described in those subparagraphs, is to be considered in determining whether an offender is a high-risk sex offender.~~

~~(F) For purposes of subparagraphs (B) to (D), inclusive, an arrest as a juvenile or an adjudication as a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code for any of the offenses described in those subparagraphs is to be considered in determining whether an offender is a high-risk sex offender.~~

~~(G) Notwithstanding subparagraphs (A) to (D), inclusive, an offender shall not be considered to be a high-risk sex offender if either of the following apply:~~

~~(i) The offender's most recent conviction or arrest for an offense described in subparagraphs (B) to (D), inclusive, occurred more than five years prior to the high-risk assessment by the Department of Justice, excluding periods of confinement.~~

~~(ii) The offender notifies the Department of Justice, on a form approved by the department and available at any sheriff's office, that he or she has not been convicted in the preceding 15 years, excluding periods of confinement, of an offense for which registration is required under paragraph (2) of subdivision (a), and the department is able, upon exercise of reasonable diligence, to verify the information provided in paragraph (2).~~

~~(H) "Confinement" means confinement in a jail, prison, school, road camp, or other penal institution, confinement in a state hospital to which the offender was committed as a mentally disordered sex offender under Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code, or confinement in a facility designated by the Director of Mental Health to which the offender was committed as a sexually violent predator under Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.~~

~~(I) "Designated~~

~~(n) For purposes of this section, "designated law enforcement entity" means any of the following: municipal police department; sheriff's department; district attorney's office; county probation department; Department of Justice; Department of Corrections; Department of the Youth Authority; Department of the California Highway Patrol; or the police department of any campus of the~~

1 University of California, California State University, or
2 community college; and every state or local agency expressly
3 authorized by statute to investigate or prosecute law violators. This
4 definition shall apply for purposes of this section.

5 ~~(2) The Department of Justice shall continually search the~~
6 ~~records provided to it pursuant to subdivision (b) and identify, on~~
7 ~~the basis of those records, high-risk sex offenders. Four times each~~
8 ~~year, the department shall provide to each chief of police and~~
9 ~~sheriff in the state, and to any other designated law enforcement~~
10 ~~entity upon request, the following information regarding each~~
11 ~~identified high-risk sex offender: full name; known aliases;~~
12 ~~gender; race; physical description; photograph; date of birth; and~~
13 ~~crimes resulting in classification under this section.~~

14 ~~(3) The Department of Justice and any designated law~~
15 ~~enforcement entity to which notice has been given pursuant to~~
16 ~~paragraph (2) may cause to be made public, by whatever means the~~
17 ~~agency deems necessary to ensure the public safety, based upon~~
18 ~~information available to the agency concerning a specific person;~~
19 ~~including, but not limited to, the information described in~~
20 ~~paragraph (2); the offender's address, which shall be verified prior~~
21 ~~to publication; description and license plate number of the~~
22 ~~offender's vehicles or vehicles the offender is known to drive; type~~
23 ~~of victim targeted by the offender; relevant parole or probation~~
24 ~~conditions, such as one prohibiting contact with children; dates of~~
25 ~~crimes resulting in classification under this section; and date of~~
26 ~~release from confinement; but excluding information that would~~
27 ~~identify the victim.~~

28 ~~(4) Notwithstanding any other provision of law, any person~~
29 ~~described in paragraph (2) of subdivision (p) who receives~~
30 ~~information from a designated law enforcement entity pursuant to~~
31 ~~paragraph (3) may disclose that information in the manner and to~~
32 ~~the extent authorized by the law enforcement entity.~~

33 ~~(5) The law enforcement agency may authorize persons and~~
34 ~~entities who receive the information pursuant to paragraph (3) to~~
35 ~~disclose information to additional persons only if the agency does~~
36 ~~the following:~~

37 ~~(A) Determines that all conditions set forth in this subdivision~~
38 ~~have been satisfied regarding disclosure to the additional persons.~~

39 ~~(B) Identifies the appropriate scope of further disclosure.~~

(o) Until July 1, 2010, agencies disseminating information to the public pursuant to Section 290.4 shall maintain records of those persons requesting to view the CD-ROM or other electronic media for a minimum of five years. Agencies disseminating information to the public pursuant to subdivision (n) shall maintain records of the means and dates of dissemination for a minimum of five years.

(p) (1) Any designated law enforcement entity and employees of any designated law enforcement entity shall be immune from liability for good faith conduct under this section and Section 290.4.

(2) Any public or private educational institution, day care facility, or any child care custodian described in Section 11165.7, or any employee of a public or private educational institution or day care facility which in good faith disseminates information as authorized pursuant to paragraph (3) of subdivision (m) ~~or paragraph (4) of subdivision (n)~~ that is provided by a law enforcement agency or an employee of a law enforcement agency shall be immune from civil liability.

(q) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(r) The registration and public notification provisions of this section are applicable to every person described in this section, without regard to when his or her crimes were committed or his or her duty to register pursuant to this section arose, and to every offense described in this section, regardless of when it was committed.

SEC. 2. Section 290.4 of the Penal Code is amended to read:

290.4. (a) (1) The Department of Justice shall continually compile information as described in paragraph (2) regarding any person required to register under Section 290 for a conviction of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289; Section 220, except assault to commit

1 mayhem; Section 243.4, provided that the offense is a felony;
 2 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;
 3 Section 264.1; Section 266, provided that the offense is a felony;
 4 Section 266c, provided that the offense is a felony; Section 266j;
 5 Section 267; Section 269; paragraph (1) of subdivision (b) of
 6 Section 286, provided that the offense is a felony; paragraph (2)
 7 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
 8 Section 286; Section 288; paragraph (1) of subdivision (b) of
 9 Section 288a, provided that the offense is a felony; paragraph (2)
 10 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;
 11 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of
 12 Section 289, provided that the offense is a felony; subdivision (i)
 13 or (j) of Section 289; Section 647.6; or the attempted commission
 14 of any of these offenses; or the statutory predecessor of any of
 15 these offenses or any offense which, if committed or attempted in
 16 this state, would have been punishable as one or more of the
 17 offenses described in this section. This requirement shall not be
 18 applied to a person whose duty to register has been terminated
 19 pursuant to paragraph (5) of subdivision (d) of Section 290, or to
 20 a person who has been relieved of his or her duty to register under
 21 Section 290.5.

22 (2) The information shall be categorized by community of
 23 residence and ZIP Code. The information shall include the names
 24 and known aliases of the person, photograph, a physical
 25 description, gender, race, date of birth, the criminal history, and the
 26 address, including ZIP Code, in which the person resides, and any
 27 other information that the Department of Justice deems relevant,
 28 not including information that would identify the victim.

29 (3) The department shall operate a “900” telephone number
 30 that members of the public may call and inquire whether a named
 31 individual is listed among those described in this subdivision. The
 32 caller shall furnish his or her first name, middle initial, and last
 33 name. The department shall ascertain whether a named person
 34 reasonably appears to be a person so listed and provide the caller
 35 with the information described in paragraph (2), except the
 36 department shall not disclose the name or address of a listed
 37 person’s employer, or the street address or criminal history of a
 38 person listed, except to disclose the ZIP Code area in which the
 39 person resides and to describe the specific crimes for which the
 40 registrant was required to register. The department shall decide



1 whether the named person reasonably appears to be a person listed,
2 based upon information from the caller providing information that
3 shall include (A) an exact street address, including apartment
4 number, social security number, California driver's license or
5 identification number, or birth date along with additional
6 information that may include any of the following: name, hair
7 color, eye color, height, weight, distinctive markings, ethnicity; or
8 (B) any combination of at least six of the above listed
9 characteristics if an exact birth date or address is not available. If
10 three of the characteristics provided include ethnicity, hair color,
11 and eye color, a seventh identifying characteristic shall be
12 provided. Any information identifying the victim by name, birth
13 date, address, or relation to the registrant shall be excluded by the
14 department.

15 (4) (A) On or before July 1, 1997, the department shall provide
16 a CD-ROM or other electronic medium containing the information
17 described in paragraph (2), except the name or address of a listed
18 person's employer, or the listed person's street address and
19 criminal history other than the specific crimes for which the person
20 was required to register, for all persons described in paragraph (1)
21 of subdivision (a), and shall update and distribute the CD-ROM or
22 other electronic medium on a monthly basis to the sheriff's
23 department in each county, municipal police departments of cities
24 with a population of more than 200,000, and each law enforcement
25 ~~agency listed in subparagraph (f) of paragraph (1) of entity~~
26 *specified in subdivision (n) of Section 290, except those included*
27 *there only as agencies authorized to investigate or prosecute law*
28 *violators.* These law enforcement agencies may obtain additional
29 copies by purchasing a yearly subscription to the CD-ROM or
30 other electronic medium from the Department of Justice for a
31 yearly subscription fee. The Department of Justice, the sheriff's
32 departments, and the municipal police departments of cities with
33 a population of more than 200,000 shall make, and the other law
34 enforcement agencies may make, the CD-ROM or other electronic
35 medium available for viewing by the public in accordance with the
36 following: The agency may require that a person applying to view
37 the CD-ROM or other electronic medium express an articulable
38 purpose in order to have access thereto. The applicant shall provide
39 identification in the form of a California driver's license,
40 California identification card, or military identification card and

1 orders with proof of permanent assignment or attachment to a
2 military command or vessel in California, showing the applicant
3 to be at least 18 years of age. The applicant shall sign a statement,
4 on a form provided by the Department of Justice, stating that the
5 applicant is not a registered sex offender, that he or she understands
6 the purpose of the release of information is to allow members of
7 the public to protect themselves and their children from sex
8 offenders, and he or she understands it is unlawful to use
9 information obtained from the CD-ROM or other electronic
10 medium to commit a crime against any registrant or to engage in
11 illegal discrimination or harassment of any registrant. The signed
12 statement shall be maintained in a file in the designated law
13 enforcement agency's office. A person under 18 years of age may
14 accompany an applicant who is that person's parent or legal
15 guardian for the purpose of viewing the CD-ROM or other
16 electronic medium.

17 (B) The records of persons requesting to view the CD-ROM or
18 other electronic medium are confidential, except that a copy of the
19 applications requesting to view the CD-ROM or other electronic
20 medium may be disclosed to law enforcement agencies for law
21 enforcement purposes.

22 (C) Any information identifying the victim by name, birth date,
23 address, or relationship to the registrant shall be excluded from the
24 CD-ROM or other electronic medium.

25 (5) (A) The income from the operation of the "900" telephone
26 number shall be deposited in the Sexual Predator Public
27 Information Account, which is hereby established within the
28 Department of Justice for the purpose of the implementation of this
29 section by the Department of Justice, including all actual and
30 reasonable costs related to establishing and maintaining the
31 information described in subdivision (a) and the CD-ROM or
32 other electronic medium described in this subdivision.

33 (B) The moneys in the Sexual Predator Public Information
34 Account shall consist of income from the operation of the "900"
35 telephone number program authorized by this section, proceeds of
36 the loan made pursuant to Section 6 of the act adding this section,
37 and any other funds made available to the account by the
38 Legislature. Moneys in the account shall be available to the
39 Department of Justice upon appropriation by the Legislature for
40 the purpose specified in subparagraph (A).

(C) When the “900” telephone number is called, a preamble shall be played before charges begin to accrue. The preamble shall run at least the length of time required by federal law and shall provide the following information:

(i) Notice that the caller’s telephone number will be recorded.

(ii) The charges for use of the “900” telephone number.

(iii) Notice that the caller is required to identify himself or herself to the operator.

(iv) Notice that the caller is required to be 18 years of age or older.

(v) A warning that it is illegal to use information obtained through the “900” telephone number to commit a crime against any registrant or to engage in illegal discrimination or harassment against any registrant.

(vi) Notice that the caller is required to have the birth date, California driver’s license or identification number, social security number, address, or other identifying information regarding the person about whom information is sought in order to achieve a positive identification of that person.

(vii) A statement that the number is not a crime hotline and that any suspected criminal activity should be reported to local authorities.

(viii) A statement that the caller should have a reasonable suspicion that a person is at risk.

(D) The Department of Justice shall expend no more than six hundred thousand dollars (\$600,000) per year from any moneys appropriated by the Legislature from the account.

(b) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000).

(c) The record of the compilation of offender information on each CD-ROM or other electronic medium distributed pursuant to this section shall be used only for law enforcement purposes and the public safety purposes specified in this section and Section

290. This record shall not be distributed or removed from the custody of the law enforcement agency that is authorized to retain it. Information obtained from this record shall be disclosed to a member of the public only as provided in this section or Section 290, or any other statute expressly authorizing it.

Any person who copies, distributes, discloses, or receives this record or information from it, except as authorized by law, is guilty of a misdemeanor, punishable by imprisonment in a county jail not to exceed six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine. This subdivision shall not apply to a law enforcement officer who makes a copy as part of his or her official duties in the course of a criminal investigation, court case, or as otherwise authorized by subdivision (n) of Section 290. This subdivision shall not prohibit copying information by handwriting.

Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(d) Unauthorized removal or destruction of the CD-ROM or other electronic medium from the offices of any law enforcement agency is a misdemeanor, punishable by imprisonment in a county jail not to exceed one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(e) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes of relating to any of the following is prohibited:

- (A) Health insurance.
- (B) Insurance.

- 1 (C) Loans.
- 2 (D) Credit.
- 3 (E) Employment.
- 4 (F) Education, scholarships, or fellowships.
- 5 (G) Housing or accommodations.
- 6 (H) Benefits, privileges, or services provided by any business
- 7 establishment.

8 (3) (A) Any use of information disclosed pursuant to this
9 section for purposes other than those provided by paragraph (1) of
10 subdivision (e) or in violation of paragraph (2) of subdivision (e)
11 shall make the user liable for the actual damages, and any amount
12 that may be determined by a jury or a court sitting without a jury,
13 not exceeding three times the amount of actual damage, and not
14 less than two hundred fifty dollars (\$250), and attorney's fees,
15 exemplary damages, or a civil penalty not exceeding twenty-five
16 thousand dollars (\$25,000).

17 (B) Whenever there is reasonable cause to believe that any
18 person or group of persons is engaged in a pattern or practice of
19 misuse of the "900" telephone number in violation of paragraph
20 (2) of subdivision (e), the Attorney General, any district attorney,
21 or city attorney, or any person aggrieved by the misuse of that
22 number is authorized to bring a civil action in the appropriate court
23 requesting preventive relief, including an application for a
24 permanent or temporary injunction, restraining order, or other
25 order against the person or group of persons responsible for the
26 pattern or practice of misuse. The foregoing remedies shall be
27 independent of any other remedies or procedures that may be
28 available to an aggrieved party under other provisions of law,
29 including Part 2 (commencing with Section 43) of Division 1 of
30 the Civil Code.

31 (f) This section shall not be deemed to authorize the
32 publication, distribution, or disclosure of the address of any person
33 about whom information can be published, distributed, or
34 disclosed pursuant to this section.

35 (g) Community notification shall be governed by subdivisions
36 (m) and (n) of Section 290.

37 (h) The Department of Justice shall submit to the Legislature
38 an annual report on the operation of the "900" telephone number
39 required by paragraph (3) of subdivision (a) on July 1, 1996, July

1 1, 1997, and July 1, 1998. The annual report shall include all of the
2 following:

3 (1) Number of calls received.

4 (2) Amount of income earned per year through operation of the
5 “900” telephone number.

6 (3) A detailed outline of the amount of money expended and the
7 manner in which it was expended for purposes of this section.

8 (4) Number of calls that resulted in an affirmative response and
9 the number of calls that resulted in a negative response with regard
10 to whether a named individual was listed pursuant to subdivision
11 (a).

12 (5) Number of persons listed pursuant to subdivision (a).

13 (6) A summary of the success of the “900” telephone number
14 program based upon selected factors.

15 (i) Any law enforcement agency and employees of any law
16 enforcement agency shall be immune from liability for good faith
17 conduct under this section. For the purposes of this section, “law
18 enforcement agency” means the Attorney General of California,
19 every district attorney, the Department of Corrections, the
20 Department of the Youth Authority, and every state or local agency
21 expressly authorized by statute to investigate or prosecute law
22 violators.

23 (j) On or before July 1, 2000, the Department of Justice shall
24 make a report to the Legislature concerning the changes to the
25 operation of the “900” telephone number program made by the
26 amendments to this section by Chapter 908 of the Statutes of 1996.
27 The report shall include all of the following:

28 (1) Number of calls received by county.

29 (2) Number of calls that resulted in an affirmative response and
30 the number of calls that resulted in a negative response with regard
31 to whether a named individual was listed pursuant to subdivision
32 (a).

33 (3) Number of persons listed pursuant to subdivision (a).

34 (4) Statistical information concerning prosecutions of persons
35 for misuse of the “900” telephone number program, including the
36 outcomes of those prosecutions.

37 (5) A summary of the success of the “900” telephone number
38 based upon selected factors.

39 (k) The registration and public notification provisions of this
40 section are applicable to every person described in these sections,

1 without regard to when his or her crimes were committed or his or
2 her duty to register pursuant to this section arose, and to every
3 offense described in these sections, regardless of when it was
4 committed.

5 (l) No later than December 31, 1998, the Department of Justice
6 shall prepare an informational pamphlet that shall be mailed to any
7 member of the public who makes an inquiry using the “900”
8 telephone number required by this section and who provides an
9 address. The pamphlet shall provide basic information concerning
10 appropriate steps parents, guardians, and other responsible adults
11 can take to ensure a child is safe from a suspected child molester,
12 including, but not limited to, how to identify suspicious activity by
13 an adult, common facts and myths about child molesters, and how
14 to obtain additional help and information. A notice to callers to the
15 “900” telephone number that they will receive the pamphlet, if an
16 address is provided, shall be included in the preamble required by
17 this section.

18 (m) On or before July 1, 2001, and every year thereafter, the
19 Department of Justice shall make a report to the Legislature
20 concerning the operation of this section.

21 (n) This section shall remain operative only until July 1, 2005,
22 and as of January 1, 2006, is repealed, unless a later enacted statute
23 that is enacted before January 1, 2006, deletes or extends the dates
24 on which it becomes inoperative and is repealed.

25 SEC. 3. Section 290.4 is added to the Penal Code, to read:

26 290.4. (a) (1) The Department of Justice shall continually
27 compile information as described in paragraph (2) regarding any
28 person required to register under Section 290 for a conviction of
29 Section 207 or 209 committed with the intent to violate Section
30 261, 286, 288, 288a, or 289; Section 220, except assault to commit
31 mayhem; Section 243.4, provided that the offense is a felony;
32 paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261;
33 Section 264.1; Section 266, provided that the offense is a felony;
34 Section 266c, provided that the offense is a felony; Section 266j;
35 Section 267; Section 269; paragraph (1) of subdivision (b) of
36 Section 286, provided that the offense is a felony; paragraph (2)
37 of subdivision (b), subdivision (c), (d), (f), (g), (i), (j), or (k) of
38 Section 286; Section 288; paragraph (1) of subdivision (b) of
39 Section 288a, provided that the offense is a felony; paragraph (2)
40 of subdivision (b), (c), (d), (f), (g), (i), (j), or (k) of Section 288a;

1 Section 288.5; subdivision (a), (b), (d), (e), (f), (g), or (h) of
 2 Section 289, provided that the offense is a felony; subdivision (i)
 3 or (j) of Section 289; Section 647.6; or the attempted commission
 4 of any of these offenses; or the statutory predecessor of any of
 5 these offenses or any offense which, if committed or attempted in
 6 this state, would have been punishable as one or more of the
 7 offenses described in this section. This requirement shall not be
 8 applied to a person whose duty to register has been terminated
 9 pursuant to paragraph (5) of subdivision (d) of Section 290, or to
 10 a person who has been relieved of his or her duty to register under
 11 Section 290.5.

12 (2) The information shall be categorized by county, community
 13 of residence, and ZIP Code. The information shall include the
 14 names and known aliases of the person, photograph, a physical
 15 description, gender, race, date of birth, the criminal history, the
 16 addresses and locations, including ZIP Code, at which the person
 17 resides or is located, the name of the person's employer, the
 18 address at which the person is employed, a description and license
 19 plate numbers of the offender's vehicles or vehicles the offender
 20 is known to drive, the offender's enrollment, employment,
 21 volunteer or vocational status with any university, college,
 22 community college, or other institution of higher learning, the date
 23 of last registration or reregistration, and any other information that
 24 the Department of Justice deems relevant, not including
 25 information that would identify the victim.

26 (3) (A) Commencing July 1, 2005, the department shall
 27 provide an Internet Web site covering all persons about whom the
 28 department is required by paragraph (1) to compile information.
 29 The Web site shall contain, upon the funding and implementation
 30 of a new sex offender registration database to be developed by the
 31 Department of Justice, the information described in paragraph (2),
 32 excluding vehicle information, information concerning a listed
 33 person's connections to institutions of higher learning, the name
 34 or address of a listed person's employer, or the listed person's street
 35 address and criminal history, except that the specific crimes for
 36 which the person was required to register, the dates of commission
 37 of crimes for which the person was required to register, the date of
 38 the person's last registration or reregistration, and whether the
 39 person is in violation of the requirements subparagraph (C), (D),
 40 or (E) of paragraph (1) of subdivision (a) of Section 290 shall be

1 disclosed. The department shall update the Web site on an ongoing
2 basis. A person visiting the Web site shall be required to enter his
3 or her name and indicate that he or she is not a registered sex
4 offender, that he or she understands the purpose of the release of
5 information is to allow members of the public to protect
6 themselves and their children from sex offenders, and he or she
7 understands it is unlawful to use information obtained from the
8 Web site to commit a crime against any registrant or to engage in
9 illegal discrimination against or harassment of any registrant. The
10 visitor's name and electronic acknowledgement of the conditions
11 for viewing the Web site shall be maintained by the department for
12 two years. The Web site shall be translated into languages other
13 than English as determined by the department.

14 (B) *The department shall provide on this Web site a detailed*
15 *map of the state of California overlaid with a fixed grid of squares,*
16 *each square being one-quarter mile on a side and assigned a*
17 *unique identifying number or set of coordinates, with the sides of*
18 *the squares oriented north and south or east and west. Each square*
19 *shall be identified on the map by its identifying number or*
20 *coordinates. The Web site shall, for any California address entered*
21 *in a properly identified field, indicate which square on the grid*
22 *contains that address, and provide a direct link or other means to*
23 *access information on those persons residing in that square about*
24 *whom the department is required by paragraph (1) to compile*
25 *information. To facilitate a search for information on residents of*
26 *areas near a specified address, an appropriate zoom function shall*
27 *be provided so that the map may be examined in detail to identify*
28 *the number or coordinates of nearby squares, and the site shall*
29 *provide a means of accessing information on persons residing in*
30 *any specified square about whom the department is required by*
31 *paragraph (1) to compile information. To assist visitors in*
32 *accessing useful information, and to discourage any use of the site*
33 *inconsistent with the provisions of this section, the Department of*
34 *Justice shall provide online instructions on the proper use of this*
35 *Web site.*

36 (C) The records of persons visiting the Web site are
37 confidential, except that the names and other identifying
38 information pertaining to visitors accessing the Web site may be
39 disclosed to law enforcement agencies for law enforcement
40 purposes.



~~(E)~~

(D) Any information identifying the victim by name, birth date, address, or relationship to the registrant shall be excluded from the Web site.

(b) (1) Any person who uses information disclosed pursuant to this section to commit a felony shall be punished, in addition and consecutive to, any other punishment, by a five-year term of imprisonment in the state prison.

(2) Any person who, without authorization, uses information disclosed pursuant to this section to commit a misdemeanor shall be subject to, in addition to any other penalty or fine imposed, a fine of not less than five hundred dollars (\$500) and not more than one thousand dollars (\$1,000). Any person who is required to register pursuant to Section 290 shall not enter the Web site, and a violation of this prohibition is a misdemeanor.

(c) Notwithstanding Section 6254.5 of the Government Code, disclosure of information pursuant to this section is not a waiver of exemptions under Chapter 3.5 (commencing with Section 6250) of Title 1 of Division 7 of the Government Code and does not affect other statutory restrictions on disclosure in other situations.

(d) (1) A person is authorized to use information disclosed pursuant to this section only to protect a person at risk.

This section shall not affect authorized access to, or use of, information pursuant to, among other provisions, Sections 11105 and 11105.3 of this code, Section 226.55 of the Civil Code, Sections 777.5 and 14409.2 of the Financial Code, Sections 1522.01 and 1596.871 of the Health and Safety Code, and Section 432.7 of the Labor Code.

(2) Except as authorized under paragraph (1) or any other provision of law, use of any information that is disclosed pursuant to this section for purposes of relating to any of the following is prohibited:

(A) Health insurance.

(B) Insurance.

(C) Loans.

(D) Credit.

(E) Employment.

(F) Education, scholarships, or fellowships.

(G) Housing or accommodations.

1 (H) Benefits, privileges, or services provided by any business
2 establishment.

3 (3) (A) Any use of information disclosed pursuant to this
4 section for purposes other than those provided by paragraph (1) or
5 in violation of paragraph (2) shall make the user liable for the
6 actual damages, and any amount that may be determined by a jury
7 or a court sitting without a jury, not exceeding three times the
8 amount of actual damage, and not less than two hundred fifty
9 dollars (\$250), and attorney's fees, exemplary damages, or a civil
10 penalty not exceeding twenty-five thousand dollars (\$25,000).

11 (B) Whenever there is reasonable cause to believe that any
12 person or group of persons is engaged in a pattern or practice of
13 misuse of the information on the Web site in violation of paragraph
14 (2), the Attorney General, any district attorney, or city attorney, or
15 any person aggrieved by the misuse of that information is
16 authorized to bring a civil action in the appropriate court
17 requesting preventive relief, including an application for a
18 permanent or temporary injunction, restraining order, or other
19 order against the person or group of persons responsible for the
20 pattern or practice of misuse. The foregoing remedies shall be
21 independent of any other remedies or procedures that may be
22 available to an aggrieved party under other provisions of law,
23 including Part 2 (commencing with Section 43) of Division 1 of
24 the Civil Code.

25 (e) This section shall not be deemed to authorize the
26 publication, distribution, or disclosure of the address of any person
27 about whom information can be published, distributed, or
28 disclosed pursuant to this section.

29 (f) Community notification shall be governed by subdivisions
30 (m) and (n) of Section 290.

31 (g) The Department of Justice shall submit to the Legislature
32 an annual report on the operation of the Web site beginning on July
33 1, 2006. The annual report shall include all of the following:

34 (1) Number of hits received.

35 (2) A detailed outline of the amount of money expended and the
36 manner in which it was expended for purposes of this section.

37 (3) A summary of the success of the Web site based upon
38 selected factors.

39 (4) Information provided to the Department of Justice from
40 local law enforcement agencies concerning allegations against,

1 and investigations and prosecutions of, persons for misuse of the
2 information contained on the Web site, pursuant to subdivision (d),
3 including the outcomes of those allegations, investigations, and
4 prosecutions.

5 (h) Any law enforcement agency and employees of any law
6 enforcement agency shall be immune from liability for good faith
7 conduct under this section. For the purposes of this section, “law
8 enforcement agency” means the Attorney General of California,
9 every district attorney, the Department of Corrections, the
10 Department of the Youth Authority, and every state or local agency
11 expressly authorized by statute to investigate or prosecute law
12 violators.

13 (i) The registration and public notification provisions of this
14 section are applicable to every person described in these sections,
15 without regard to when his or her crimes were committed or his or
16 her duty to register pursuant to Section 290 arose, and to every
17 offense described in these sections, regardless of when it was
18 committed.

19 (j) This section shall become operative on July 1, 2005.

20 (k) *This section shall become inoperative on July 1, 2008, and,*
21 *as of January 1, 2009, is repealed, unless a later enacted statute*
22 *that is enacted before January 1, 2009, deletes or extends the dates*
23 *on which it becomes inoperative and is repealed.*

24 SEC. 4. No reimbursement is required by this act pursuant to
25 Section 6 of Article XIII B of the California Constitution for
26 certain costs that may be incurred by a local agency or school
27 district because in that regard this act creates a new crime or
28 infraction, eliminates a crime or infraction, or changes the penalty
29 for a crime or infraction, within the meaning of Section 17556 of
30 the Government Code, or changes the definition of a crime within
31 the meaning of Section 6 of Article XIII B of the California
32 Constitution.

33 However, notwithstanding Section 17610 of the Government
34 Code, if the Commission on State Mandates determines that this
35 act contains other costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code. If the statewide cost of the
39 claim for reimbursement does not exceed one million dollars

- 1 (\$1,000,000), reimbursement shall be made from the State
- 2 Mandates Claims Fund.

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